

By Senator Saunders

37-82-04

1                                   A bill to be entitled  
2           An act relating to school district employees  
3           and contractors; amending ss. 1002.33, 1012.21,  
4           1012.32, 1012.56, 1012.57, F.S.; requiring  
5           background screening, initially and  
6           periodically, of charter school employees and  
7           members of the governing board; requiring  
8           background screening, initially and  
9           periodically, of persons certified under ch.  
10          1012, F.S.; requiring background screening,  
11          initially and periodically, of adjunct  
12          educators; requiring background screening,  
13          initially and periodically, of certain  
14          noninstructional personnel and contractors with  
15          the school district; requiring any such person  
16          to report his or her conviction of a  
17          disqualifying offense; providing that  
18          noninstructional personnel may perform certain  
19          services before the results of the screening  
20          have been reported, with limitations; providing  
21          for suspending any such personnel who do not  
22          meet the screening requirements and voiding the  
23          certification of any such certified person;  
24          providing for appeal; providing that the school  
25          district or the employee may pay for the  
26          screening; providing an effective date.

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28   Be It Enacted by the Legislature of the State of Florida:

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30           Section 1. Paragraph (g) of subsection (12) of section  
31   1002.33, Florida Statutes, is amended to read:

1           1002.33 Charter schools.--

2           (12) EMPLOYEES OF CHARTER SCHOOLS.--

3           (g) A charter school shall employ or contract with  
4 employees who have undergone background screening ~~been~~  
5 ~~fingerprinted~~ as provided in s. 1012.32. Members of the  
6 governing board of the charter school shall also undergo  
7 background screening ~~be fingerprinted~~ in a manner similar to  
8 that provided in s. 1012.32.

9           Section 2. Subsection (1) of section 1012.21, Florida  
10 Statutes, is amended to read:

11           1012.21 Department of Education duties; K-12  
12 personnel.--

13           (1) BACKGROUND SCREENINGS; PERIODIC CRIMINAL HISTORY  
14 RECORD CHECKS.--In cooperation with the Florida Department of  
15 Law Enforcement, the Department of Education shall perform  
16 background screening as required under s. 1012.56 and may  
17 periodically perform criminal history record checks on  
18 individuals who hold a certificate pursuant to ~~s. 1012.56 or~~  
19 s. 1012.57.

20           Section 3. Subsection (2) of section 1012.32, Florida  
21 Statutes, is amended to read:

22           1012.32 Qualifications of personnel.--

23           (2)~~(a)~~ Instructional and noninstructional personnel  
24 who are hired to fill positions requiring direct contact with  
25 students in any district school system or university lab  
26 school shall, upon employment, undergo background screening as  
27 required under s. 1012.56 or section 6 of this act, whichever  
28 is applicable ~~file a complete set of fingerprints taken by an~~  
29 ~~authorized law enforcement officer or an employee of the~~  
30 ~~school or district who is trained to take fingerprints. These~~  
31 ~~fingerprints shall be submitted to the Department of Law~~

1 ~~Enforcement for state processing and to the Federal Bureau of~~  
2 ~~Investigation for federal processing. The new employees shall~~  
3 ~~be on probationary status pending fingerprint processing and~~  
4 ~~determination of compliance with standards of good moral~~  
5 ~~character. Employees found through fingerprint processing to~~  
6 ~~have been convicted of a crime involving moral turpitude may~~  
7 ~~shall not be employed in any position requiring direct contact~~  
8 ~~with students. Probationary employees terminated because of~~  
9 ~~their criminal record shall have the right to appeal such~~  
10 ~~decisions. The cost of the background screening fingerprint~~  
11 ~~processing may be borne by the district school board or the~~  
12 ~~employee.~~

13 ~~(b) Personnel who have been fingerprinted or screened~~  
14 ~~pursuant to this subsection and who have not been unemployed~~  
15 ~~for more than 90 days shall not be required to be~~  
16 ~~refingerprinted or rescreened in order to comply with the~~  
17 ~~requirements of this subsection.~~

18 Section 4. Paragraph (d) of subsection (2) of section  
19 1012.56, Florida Statutes, is amended, present subsections  
20 (9), (10), (11), (12), (13), (14), and (15) of that section  
21 are redesignated as subsections (10), (11), (12), (13), (14),  
22 (15), and (16), respectively, and a new subsection (9) is  
23 added to that section, to read:

24 1012.56 Educator certification requirements.--

25 (2) ELIGIBILITY CRITERIA.--To be eligible to seek  
26 certification pursuant to this chapter, a person must:

27 (d) Submit to background screening in accordance with  
28 subsection (9)~~a fingerprint check from the Department of Law~~  
29 ~~Enforcement and the Federal Bureau of Investigation pursuant~~  
30 ~~to s. 1012.32. If the background screening indicates~~  
31 ~~fingerprint reports indicate a criminal history or if the~~

1 applicant acknowledges a criminal history, the applicant's  
2 records shall be referred to the Bureau of Educator Standards  
3 for review and determination of eligibility for certification.  
4 If the applicant fails to provide the necessary documentation  
5 requested by the Bureau of Educator Standards within 90 days  
6 after the date of the receipt of the certified mail request,  
7 the statement of eligibility and pending application shall  
8 become invalid.

9 (9) BACKGROUND SCREENING REQUIRED, INITIALLY AND  
10 PERIODICALLY.--

11 (a) Each person who seeks certification under this  
12 chapter must meet level 2 screening requirements as described  
13 in s. 435.04. A person may satisfy the requirements of this  
14 paragraph by submitting proof of compliance with the  
15 requirements of level 2 screening conducted within 12 months  
16 before the date that person initially obtains certification  
17 under this chapter.

18 (b) A person may not receive a certificate under this  
19 chapter until the level 2 screening has been completed and the  
20 results have been submitted to the district school  
21 superintendent of the school district that employs him or her.  
22 Every 5 years after obtaining initial certification, each  
23 person who is required to be certified under this chapter must  
24 meet level 2 screening requirements and must submit the  
25 results of that screening to the district school  
26 superintendent. Under penalty of perjury, each person who is  
27 certified under this chapter must agree to inform his or her  
28 employer immediately if convicted of any disqualifying offense  
29 while he or she is employed in a position for which such  
30 certification is required.

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1           (c) If it is found that a person who is employed in a  
2 position requiring certification under this chapter does not  
3 meet the level 2 requirements, the person's certification  
4 immediately becomes void, and he or she is immediately  
5 suspended from the position requiring certification.

6           Section 5. Section 1012.57, Florida Statutes, is  
7 amended to read:

8           1012.57 Certification of adjunct educators.--

9           (1) Notwithstanding the provisions of ss. 1012.32,  
10 1012.55, and 1012.56, or any other provision of law or rule to  
11 the contrary, district school boards may issue an adjunct  
12 teaching certificate to any applicant who fulfills the  
13 requirements of s. 1012.56(2)(a)-(f) and (9)and who has  
14 expertise in the subject area to be taught. An applicant shall  
15 be considered to have expertise in the subject area to be  
16 taught if the applicant has at least a minor in the subject  
17 area or demonstrates sufficient subject area mastery as  
18 determined by district school board policy. The adjunct  
19 teaching certificate shall be used for part-time teaching  
20 positions. The intent of this provision is to allow school  
21 districts to tap the wealth of talent and expertise  
22 represented in Florida's citizens who may wish to teach  
23 part-time in a Florida public school by permitting school  
24 districts to issue adjunct certificates. Adjunct  
25 certificateholders should be used as a strategy to reduce the  
26 teacher shortage; thus, adjunct certificateholders should  
27 supplement a school's instructional staff, not supplant it.  
28 Each school principal shall assign an experienced peer mentor  
29 to assist the adjunct teaching certificateholder during the  
30 certificateholder's first year of teaching, and an adjunct  
31 certificateholder may participate in a district's new teacher

1 training program. District school boards shall provide the  
2 adjunct teaching certificateholder an orientation in classroom  
3 management prior to assigning the certificateholder to a  
4 school. Each adjunct teaching certificate is valid for 5  
5 school years and is renewable if:

6 (a) The applicant completes a minimum of 60 inservice  
7 points or 3 semester hours of college credit. The earned  
8 credits must include instruction in classroom management,  
9 district school board procedures, school culture, and other  
10 activities that enhance the professional teaching skills of  
11 the certificateholder.

12 (b) The applicant has received satisfactory  
13 performance evaluations during each year of teaching under  
14 adjunct teaching certification.

15 (2) Individuals who are certified and employed under  
16 ~~pursuant to~~ this section ~~shall~~ have the same rights and  
17 protection of laws as teachers certified under ~~pursuant to~~ s.  
18 1012.56.

19 Section 6. Background screening requirements for  
20 certain noninstructional school district employees and  
21 contractors.--

22 (1) Noninstructional school district employees or  
23 contractual personnel who have direct contact with minors or  
24 access to or control of school funds must meet level 2  
25 screening requirements as described in section 435.04, Florida  
26 Statutes. A person may satisfy the requirements of this  
27 subsection by submitting to the district school superintendent  
28 proof of compliance with the requirements of level 2 screening  
29 conducted within 12 months before the date that person  
30 initially is employed in the position requiring such screening  
31 under this subsection.

1           (2) A person who meets the criteria set forth in  
2 subsection (1) but who is serving in a noninstructional  
3 capacity may provide services before the completion of his or  
4 her level 2 screening. However, pending the results of the  
5 screening, the person may not be alone with a minor in  
6 connection with providing those services.

7           (3) Every 5 years following employment in a capacity  
8 described in subsection (1), each person who is so employed  
9 must meet level 2 screening requirements and must submit the  
10 results of that screening to the district school  
11 superintendent of the school district that employs him or her.  
12 Under penalty of perjury, each person who is employed in a  
13 capacity described in subsection (1) must agree to inform his  
14 or her employer immediately if convicted of any disqualifying  
15 offense while he or she is employed in that capacity.

16           (4) If it is found that a person who is employed in a  
17 capacity described in subsection (1) does not meet the level 2  
18 requirements, the person shall be immediately suspended from  
19 working in that capacity and shall remain suspended until any  
20 appeal of that suspension has been resolved in his or her  
21 favor.

22           Section 7. This act shall take effect July 1, 2004.  
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SENATE SUMMARY

Requires initial and periodic level 2 background screening of certain persons who work for school districts, including instructional personnel certified under ch. 1012, F.S., and noninstructional personnel and contractors who have direct contact with minors or access to or control of school funds. Requires such screening of charter school employees and members of the governing board and of adjunct educators. Requires any such person to report his or her conviction of a disqualifying offense. Provides for suspending personnel who do not meet the screening requirements and voiding their certification under ch. 1012, F.S. Provides for appeals. Provides that either the school district or the employee may pay for the screening.